

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**BRENT MURPHY**

**PETITIONER**

**VERSUS**

**CIVIL ACTION NO. 1:09cv729HSO-JMR**

**CHRISTOPHER EPPS, ET AL.**

**RESPONDENTS**

**MEMORANDUM OPINION AND ORDER  
ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper [13-1] entered in this cause on March 2, 2011. The Court has thoroughly reviewed the findings in the Report and Recommendation, the record, and the relevant legal authorities, and concludes that Murphy's Petition is now moot. The Court further agrees with the Magistrate Judge that because Murphy failed to exhaust his state court remedies, his Petition is likewise barred.

To date, no objection to the Report and Recommendation has been filed by Petitioner.<sup>1</sup> Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. See 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary

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<sup>1</sup> The record reflects that Petitioner signed for receipt of the Report and Recommendation on March 4, 2011 [14-1].

to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge's Report and Recommendation thoroughly considered all issues, and is neither clearly erroneous, nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Murphy's Petition be denied. Said Report and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [13-1] of Chief Magistrate Judge John M. Roper entered on March 2, 2011, is hereby adopted as the finding of this Court. A separate judgment will be entered in accordance with this order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 23<sup>rd</sup> day of March, 2011.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE